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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,435	09/28/2005	Cyril David Veillat	4662-9	5278
23117 7590 03/07/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
COLE, ELIZABETH M				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
03/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,435

Applicant(s)

VEILLAT ET AL.

Examiner

Elizabeth M. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

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1. New claim 12 and claims 10-11 are drawn to the non-elected invention. They should be designated with the status identifier "withdrawn". The restriction is maintained for the reasons set forth in the restriction requirement mailed 9/27/07.

Rejoinder will be considered once allowable subject matter is indicated

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook, U.S. Patent No. 6,148,597 in view of GB 2,218,432. Cook teaches a method of manufacturing a polyolefin fishing line which corresponds to the claimed monofilament like product comprising the steps of providing a plurality of polyolefin fibers, exposing the fibers to heat at a temperature above the melting point of the polyolefin, and drawing the heated plurality of fibers. See col. 3, lines 33-50; col. 4, lines 8-16. The plurality of polyolefin filaments can be joined together by plying or braiding before the heating and drawing step. See examples. The product exhibits monofilament-like properties. See col. 3, lines 23-27. The plurality of filaments can be further treated with polyurethanes and oils either before or after processing. See col. 4, line 59 – col. 5, line 21. Cook differs from the claimed invention because it does not disclose that the polyolefin fibers are staple fibers. GB '432 teaches that monofilament like products obtained by heating and drawing a collection of fibers can be formed from a collection of staple fibers. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have employed staple fibers rather than the gel spun filaments employed in Cook to form the monofilament like product, in view of the teaching of GB '432 that staple fibers were an alternative known starting material for forming such monofilament-like products. With regard to the amendment reciting that the polyolefin melts so as to fuse the outer surfaces of the adjacent polyolefin fibers, Cook teaches subjecting the polyolefin fibers to heat above within the melting range of the polyolefin fibers in order to melt the outer surface of the fibers and fuse outer surface layers of the adjacent polyolefin fibers to one another.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of GB '434 as applied to claims above, and further in view of JP 87015646. Cook does not disclose that the staple fibers are obtained by stretch-breaking a multifilament yarn. JP '646 teaches that a known method of forming staple fibers was by stretch-breaking multifilament yarns. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the process of stretch breaking taught by JP '646 to form the staple fibers, in view of the teaching of JP '646 that this was a known method of obtaining staple fibers.

5. Applicant's arguments filed 1/22/08 have been fully considered but they are not persuasive. Applicant argues GB '432 does not teach that it is possible to fuse staple fibers surface to one another but instead melts the lower melting component completely in order to fuse the higher melting fibers together. However, Cook already teaches the feature of using only polyolefin fibers and heating them so as to melt the surfaces and cause fusing of adjacent fibers. GB '432 is only relied on for the teaching that staple

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fibers rather than gel spun filaments could be used in the process of forming a plurality of fibers into a monofilament like product. Further, the person of ordinary skill in the art would recognize that staple fibers are often bonded by fusing outer surface so as to bond adjacent fibers, such as when bicomponent fibers are used or in self bonded or autogenously bonded nonwovens.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794

e.m.c